

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Steve Tilman  
Serial. No.: 09/811,348  
Filing Date: March 16, 2001  
For: Method and System of Marketing and Selecting Color

**ASSISTANT COMMISSIONER FOR PATENTS**

**Attention: Box Missing Parts**  
**Washington, D.C. 20231**

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Sir:

This response is being submitted in response to the Notice to File Missing Parts of Non-Provisional Application mailed April 24, 2001, and the Notice of Incomplete Reply mailed June 5, 2001. A copy of both notices is attached.

Applicant respectfully points out that The Notice to File Missing Parts incorrectly calculates the filing fee based on 9 independent claims, when in fact, the application contains only 3 independent claims. A Request for A Corrected Filing Receipt is submitted herewith.

Applicant believes that the correct fees due are those presented in the accompanying Fee Transmittal; and that the instant filing is believed timely since it is being filed within two (2) months from the mailing date of the Notice. However, the Commissioner is hereby authorized to charge any additional fees required by this action, or credit any overpayment to Deposit Account No. 16-1435. A duplicate of this sheet is attached for that purpose.

Enclosed herewith for filing in the above-identified application are copies of the following documents:

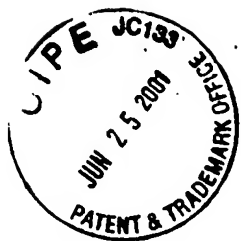
- 1) Copy of NOTICE TO FILE MISSING PARTS of Non-Provisional Application received from the USPTO dated April 24, 2001.
- 2) Copy of Notice of Incomplete Reply (Non-Provisional) mailed June 5, 2001.
- 3) Fee Transmittal;
- 4) Statement Claiming Small Entity Status;
- 5) Declaration and Power of Attorney

Respectfully submitted,

*Alana Kriegsman*

Alana Kriegsman  
Reg. No. 41,747

Date: 6/25/01  
Kilpatrick Stockton LLP  
1001 West Fourth Street  
Winston-Salem, NC 27101  
(336) 607-7300  
WINLIB01:890486.1



06-26-01

Section

# EXPRESS MAIL CERTIFICATE

"Express Mail" mailing label number: EL 894 955 125 US

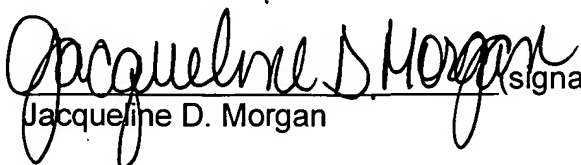
Date of Deposit : June 25, 2001

Type of Document(s) : Response to Notice to File Missing Parts (1 page & copy);  
Copy of Notice to Filing Missing Parts of Non-Provisional Application (2 pages);  
Copy of Notice of Incomplete Reply (Non-Provisional) (1 page)  
Fee Transmittal (PT0/SB17) (1 page);  
Statement Claiming Small Entity Status (1 page)  
Declaration and Power of Attorney (2 pages);  
and  
Return Postcard

Serial No. : 09/811,348

Filing Date : March 16, 2001

I hereby certify that the documents identified above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

 (signature)  
Jacqueline D. Morgan

EXPRESS MAIL NO. **894955125**

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/811,348	03/16/2001	Steve Tilman	40655-201257

CONFIRMATION NO. 7734

FORMALITIES LETTER

\*OC000C00006147971\*

Alana G. Kriegsman  
Kilpatrick Stockton LLP  
1001 West Fourth Street  
Winston-Salem, NC 27101

Date Mailed: 06/05/2001

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 05/11/2001 to the Notice to File Missing Parts (Notice) mailed 04/24/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- The oath or declaration is missing.  
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

*A copy of this notice **MUST** be returned with the reply.*

*Ruth. BERHE*  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Adjustment date: 07/02/2001 MBERHE  
06/01/2001-MTEKLEMI 00000004 161435 09811348  
01 FC:101 710.00 CR  
02 FC:102 480.00 CR  
03 FC:103 126.00 CR  
04 FC:105 130.00 CR

EXPRESS MAIL NO. 894955125

## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/811,348	03/16/2001	Steve Tilman	40655-201257

CONFIRMATION NO. 7734

## FORMALITIES LETTER

OC000000006003082\*

Alana G. Kriegsman  
Kilpatrick Stockton LLP  
1001 West Fourth Street  
Winston-Salem, NC 27101

Date Mailed: 04/24/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$606.
 

07/02/2001 MBERHE	00000010	161435	09811348
01 FC:201	355.00	CH	
02 FC:205	65.00	CH	
03 FC:203	63.00	CH	

  - \$126 for 7 total claims over 20.
  - \$480 for 6 independent claims over 3.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1446.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:

07/05/2001 SSSLEEKU 00000012 161435 09811348

- 01 FC:202 240.00 CH
- drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

The following item(s) appear to have been **omitted** from the application:

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- Figure(s) **7A** described in the specification.

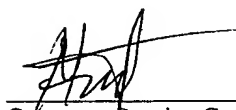
I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

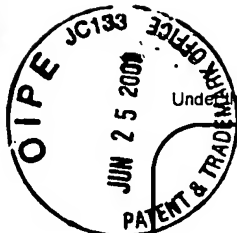
*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



894955125

PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

EXPRESS MAIL NO.

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 483

Complete if Known

Application Number	09/811,348
Filing Date	March 16, 2001
First Named Inventor	Steve Tilman
Examiner Name	To Be Assigned
Group / Art Unit	To Be Assigned
Attorney Docket No.	40655-201257

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number: 16-1345

Deposit Account Name: Kilpatrick Stockton, LLP

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION (continued)

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$ 65)

FEE CALCULATION

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	710	201	355	Utility filing fee	355
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1)					(\$ 355)

2. EXTRA CLAIM FEES

Total Claims: 27 -20 = 7 X 9 = 63

Independent Claims: 3 -3 = 0 X 40 = 0

Multiple Dependent: X = 0

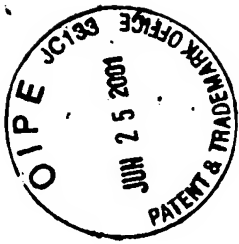
Large Entity	Small Entity	Fee Description
103	203	9 Claims in excess of 20
102	202	40 Independent claims in excess of 3
104	204	135 Multiple dependent claim, if not paid
109	209	40 ** Reissue independent claims over original patent
110	210	9 ** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$ 63)

\*\*or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Alana Kriegsman	Registration No. Attorney/Agent)	41,747	Telephone	336-607-7300
Signature	eAlana Kriegsman			Date	6-25-01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



06-26-01

Receipt

EXPRESS MAIL CERTIFICATE

RECEIVED

SEP 1 2 2001

TECH CENTER 1600/2900

"Express Mail" mailing label number: EL 894 955 258 US

Date of Deposit : June 25, 2001

Type of Document(s) : Request for Corrected Filing Receipt (1 page & copy);  
Copy of Filing Receipt (2 pages); and  
Return Postcard

Serial No. : 09/811,348

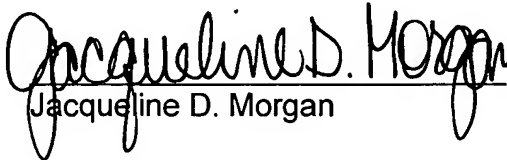
Filing Date : March 16, 2001

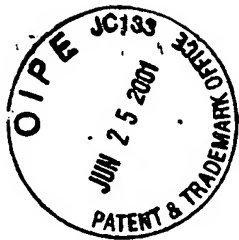
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SEP 2 7 2002

GROUP 3600

I hereby certify that the documents identified above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

 (signature)  
Jacqueline D. Morgan



PATENT  
40655/201257  
Express Mail No. EL 894 955 258 US

PH  
#3  
11/7/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

SEP 12 2001

TECH CENTER 1600/2900

In re Application of:

Steve Tilman

Serial No.:

09/811,348

For:

METHOD AND SYSTEM OF  
MARKETING AND SELECTING  
COLOR

Filed:

March 16, 2001

Examiner:

To Be Assigned

Group Art Unit:

To Be Assigned

Honorable Commissioner of Patents and Trademarks  
Attention: Box Application's Processing  
Division's Customer Correction Branch  
Washington, DC 20231

RECEIVED

SEP 27 2002

GROUP 3600

REQUEST FOR CORRECTED FILING RECEIPT

1. Attached is a copy of the official filing receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested.
2. There is an error with respect to the following data, which is: the patent contains 3 independent claims, not 9 as stated by the Patent Office in the attached Filing Receipt.
3. No fee is believed due, however in the event that a fee is due, the Commissioner is hereby authorized to charge any fees due and credit any over payments to Deposit Account No. 16-1435 (Kilpatrick Stockton LLP - Win). A duplicate of this paper is submitted.

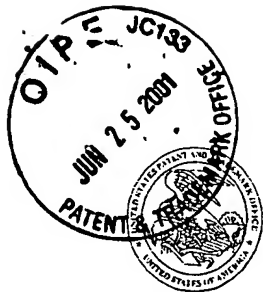
Respectfully submitted,

Date: 6/25/01

By: Alana Kriegsman  
Alana Kriegsman (Reg. No. 41,747)  
Attorney for Applicant

KILPATRICK STOCKTON LLP  
1001 West Fourth Street  
Winston-Salem, NC 27101  
(336) 607-7300  
40655-201257  
WINLIB01:894133.1





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Page 1 of 4  
SEP 12 2001  
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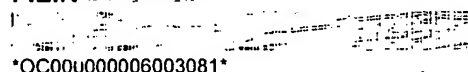
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/811,348	03/16/2001	1632	0.00	40655- 201257	40	27	9

CONFIRMATION NO. 7734

FILING RECEIPT



Alana G. Kriegsman  
Kilpatrick Stockton LLP  
1001 West Fourth Street  
Winston-Salem, NC 27101

Date Mailed: 04/24/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Steve Tilman, Residence Not Provided;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/189,778 03/16/2000

Foreign Applications

If Required, Foreign Filing License Granted 04/24/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Method and system of marketing and selecting color

Preliminary Class

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SEP 27 2002  
GROUP 3600

894955258

EXPRESS MAIL NO. \_\_\_\_\_

**Date:** 04/24/2001

EXPRESS MAIL NO. \_\_\_\_\_